

COMMITTEE ON JOINT SCHOOL BUILDINGS

September 28, 2004

5:00 PM

Chairman Herbert called the meeting to order.

The Clerk called the roll.

Present: School Committee Members Herbert, Beaudry, Cote and Aldermen Roy, Porter, DeVries, Garrity (late) and Thibault

Absent: School Committee Members Perry and Kelley

Messrs.: T. Clark, T. Clougherty, K. Cornwell, A. Jefferson

Request by Committee that the Solicitor's office review the School Construction Change Order Policy recently adopted.

Chairman Herbert stated the agenda says we will do the update first but Solicitor Clark is here and we made a request of him at the last meeting if you all recall in regards to some assistance in that area so I would ask Solicitor Clark to provide some background and then go into what he has to say.

Thomas Clark, City Solicitor stated there was some discussion at the last meeting about change of scope and change orders and where the jurisdiction lies and how they are handled. I did receive the minutes from the City Clerk's Office and reviewed them a couple of times. I have since also spoken to various members of this Committee to try and get a better handle on things. This Committee is a statutory committee set-up by statute to have jurisdiction over all construction, renovation and remodeling of schoolhouses and they basically put into place the scope of work that is adopted by the School Board. Now change of scope and change orders are two different animals. The scope of this project is the improvement of the schools based upon the Parsons Brinckerhoff study that was done and the original RFP. That was approved by the Board of School Committee and I believe through the Building & Sites Committee. I think your rules have delegated that authority to the Committee. Once the scope is established it then comes to this Committee to expedite and execute that project. That results in contracts being signed and if there are changes to the terms of the contract, that is a change order, which comes back to this Committee, not back to the School Board as long as it stays within the original scope of the project. The question of

whether or not the scope can be changed, it can but it does have to go back to the School Board and Buildings & Sites Committee for approval first. Once they have changed the scope within the parameters of the funding, that would then revert back to this Committee for any necessary changes. There is jurisdiction and there is oversight on these matters and that I believe was the Committee's concern.

School Committee Member Beaudry stated just for the record as we spoke today the situation at Central High School with the floors that was a change order, not a change in scope because the scope was to remove the floors and when they covered the floors up that would have been a change order but because of Item 2 on our change order policy, which says anything over \$25,000 would have to come back to us, that would be a reason why it didn't come back to us but I just want for the record to say that maybe it should have been reworded and that is something maybe the Committee can talk about tonight but it was a \$90,000 savings but it was a savings because in my own opinion something wasn't replaced that should have been replaced so we saved money on it and I would have liked to have seen that come back. After speaking to you and what you said tonight, I concur that even though it was a change order it was a savings to the District so it coming back here was not a question I guess.

Solicitor Clark stated this Committee has jurisdiction over change orders. They have jurisdiction over executing the contracts and making sure the construction is completed. You have adopted rules on how to handle your change orders. I believe it was about a year ago that you adopted a policy on how to handle change orders. Anything that is a change order under \$25,000 under your policy doesn't need prior approval and that is the way a number of projects have been handled. That is the way the civic center was handled. The staff on-site was allowed to do anything under \$25,000 to make sure the project didn't get bogged down.

School Committee Member Beaudry stated I know this policy is somewhat new and I am learning it as we go through this design-build project. I wasn't around for the civic center but I would like to see, even if it is a savings to us, that it should be brought to this Committee in some fashion. I think if it is a dramatic change, even if it saves money, that we should be made aware of it so this Committee can talk about it. Maybe we don't want to save the money because we feel the changes that we voted on were what we wanted. If there has to be a motion I would move that. If not, I would like to open some dialogue on it because I think the way it is worded anything in excess of \$25,000 comes before us but it doesn't say anything about a change order that is going to save us money, which I still would like to be aware of.

Alderman Porter stated I have a question. Who decides what gets changed? Who decides to change the scope? In the event that Mr. Beaudry is talking about of a

savings, which is obviously good if it is beneficial but you don't want to save to the point where you are eliminating something that should be done but who has the authority to make these changes and at what point would it be brought to this Committee? Would you want to make the same claim that if the savings is in excess of \$25,000 it should be brought to the Committee or everything?

Chairman Herbert stated that is Mr. Beaudry's feelings. Basically plus or minus.

Alderman Porter asked who has the authority to make those changes.

Chairman Herbert responded under \$25,000 it is up to the professional staff.

Alderman Porter asked what about over \$25,000.

Chairman Herbert answered it is brought to this Committee with a recommendation.

Alderman Porter stated but apparently this was done...

Chairman Herbert interjected this was under \$25,000. Mr. Beaudry said the decision of the staff saved on the order of \$90,000 so he is saying that is over \$25,000 so anything over \$25,000 + or -, savings or expenditure, should come to the Committee for discussion.

Alderman Thibault stated I agree with Mr. Beaudry in one respect. I feel that the Committee should always be informed as to what changes happen. If you don't want to report it out to the Committee, at least a paper should be sent to all of the people on the Committee so they can be kept abreast of what the changes are so if people ask them questions they have an answer. I find that is the problem with most Committees. A lot of time these things are not fed through all the way and somebody asks you a question out there and you don't know what to answer.

Chairman Herbert responded I think the idea was not that we are not informed about change orders that might fall under \$25,000. I think the idea was that it need not come for a discussion and formal vote in order to affect a change for reasons to me that are quite obvious.

Alderman DeVries stated I would entertain such a motion but first I would want to hear from representatives of the Highway Department to see how cumbersome an ordeal we might be setting up for him. If I recollect in our first meeting when we formatted this policy it was his advice that the \$25,000 threshold be set because of reporting that would be necessary.

Tim Clougherty, Deputy Public Works Director, stated as far as reporting to the Committee, we have no problem reporting any change orders be they \$500 or \$25,000. There is no issue with that whatsoever. If we set a plus or minus of that \$25,000 would that be cumbersome? It is hard to tell at this point. I don't think it would be too cumbersome. What I would like to do is recommend...it is difficult to say. We would have to put something in there like the time sensitive language that exists in the original policy.

Chairman Herbert stated I have a question about the specific savings of "\$90,000". Was there a \$90,000 item listed in this area that now is freed up because of the decision to encapsulate that or is that just a savings in the sense that we didn't have to spend \$90,000 more than we had budgeted for say that particular work on that floor? When I think of savings...if somebody says we have \$100,000 in the bank and I just saved \$90,000 of it, that is a savings but if it is well I spent \$25,000 and if I wanted to do it this way I would have spent \$135,000, that is a savings but it is not out of my budget. Do you see what I am saying?

Mr. Clougherty responded yes. It is the latter rather than the former.

Chairman Herbert stated right so when he is saying \$90,000 in savings if we did what he wanted to do we would have had to spend \$90,000 more. Is that what you are saying?

Mr. Clougherty responded right. It is like going to the store with a coupon. You are still spending some money.

School Committee Member Beaudry stated it is not what I wanted to do, it is what was in the original document – to remove the asbestos.

Chairman Herbert responded I don't want to argue over this.

School Committee Member Beaudry stated don't say that it is what I want. It is not what I want.

Chairman Herbert replied there wasn't a line item budget that had \$150,000 in it and the encapsulation only cost \$60,000, therefore, we saved \$90,000. That is my point.

School Committee Member Beaudry responded I can tell you what my point is. It was \$150,000 to remove the asbestos.

Chairman Herbert asked was there a \$150,000 line item in the budget to remove the asbestos.

Mr. Clougherty answered I don't know off the top of my head. I don't have that spreadsheet with me.

School Committee Member Beaudry stated I don't know if Ken has it. I believe that is the number. I don't know if I got it from Ken or from Tim but it was \$150,000 that I was told to remove the asbestos. To encapsulate it was \$60,000.

Chairman Herbert stated that was my point.

Mr. Clougherty stated I would agree with that presumption. We had to spend X number of dollars to deal with this issue. We chose to spend \$90,000 less in the way we decided to do it.

Chairman Herbert stated so you had budgeted \$90,000 more for that job than you actually spent.

Mr. Clougherty responded no. That wasn't part of the budget. We would have had to spend an additional \$90,000 outside of the budget.

Chairman Herbert asked so do you understand what the savings that was quoted is because to me there is a significant difference. I just wanted to clarify that point.

Mr. Clougherty stated this work was not included in any of the documentation that we had relative to the contents of the floor materials of the building. When Gilbane came to us they said look we can deal with it this way and it is going to cost X or we can deal with it this other way and it is going to cost X plus \$90,000. We said let's go with the X obviously.

Chairman Herbert responded well I just didn't know. The \$90,000 was put in the record and it occurred to me that I wasn't sure what the...

Mr. Clougherty interjected I am not sure that it is \$90,000. I assume that Mr. Beaudry has some of that documentation. I just don't have it with me.

Chairman Herbert asked do we have a second on the motion.

Alderman DeVries stated I was kind of interrupted so I don't think I finished. I would move that we amend Item 4 of the Change Order Policy to read "all change orders that are not time sensitive and whose value exceeds \$25,000 in cost or savings will be brought before the Joint School Building Committee for approval." That would allow you the time sensitive item to be addressed.

Mr. Clougherty stated that is fine.

School Committee Member Beaudry duly seconded the motion.

Alderman Porter asked what is the motion again. I am not sure I heard it correctly.

Alderman DeVries stated I am sure if someone wants to amend this further that is fine but "all change orders that are not time sensitive and whose value exceeds \$25,000 in cost or savings will be brought before the Joint School Building Committee for approval." That is only interjecting "cost or savings" into that particular item of the policy.

Alderman Porter stated I think actually the way it reads it would cover both. It doesn't specifically say cost. It just says if the change exceeds \$25,000. Well if the change is a plus \$30,000 then that would fall under this wouldn't it? I am just looking at the way it is ordered. It says all change orders whose value exceeds \$25,000. Well if you effect a change order that saves \$35,000...

Solicitor Clark interjected that is just not the way it works normally.

Alderman Porter stated normally no.

Solicitor Clark stated normally the way the policy is written it is intended to require this Committee's approval if any of the costs exceed \$25,000.

Alderman Roy asked how many change orders would this affect on a yearly basis with a project of this scope. Do you see these every day? Once a month? Twice a month?

Mr. Clougherty answered we probably see them every month but I am not sure exactly what the magnitude of it is. I could definitely get you that information. We may have that here with us. Why don't we move along and see if we can get it?

Alderman Roy asked do you have a ballpark idea of how many change orders there are all together no matter what their value is that you see on a monthly basis.

Mr. Clougherty answered one at the most. A change order can encompass more than one item. We are seeing small items, you know five or six items encompassed in one change order. I think we are up to change order #8 or #9 right now and the values are all pretty much close to zero. There is one that I want to report this evening but nothing too significant that we have seen that has affected the cost of the project.

Chairman Herbert stated the way it is proposed you are adding up the numbers obviously towards the particular cost on a particular project and if it starts to go over then you keep an eye on the number anyway but when it approaches \$25,000 then it hits a threshold where it has to come to our attention. Now in this scenario are you going to actually have to start thinking about it the other way so you are going to have to add up savings...is this kind of...would it entail a lot of work? I don't know.

Mr. Clougherty responded it can because we look at the pluses and minuses. The City, DMJM and Gilbane have to work together to accomplish this scope of work and there are times when Gilbane will come to us and say hey look the scope of work calls for us to run pipe through this area. We really don't have the access to run it through this area. Is it all right if we run it through this area? You know it saves them a couple of thousand dollars where on the other hand say we forgot to replace this door here and can you guys take care of that. Those things get washed out but they are documented in change orders. They are very small construction change authorizations but they are always documented. So, yes if you want to look at it on a cumulative basis it can be quite cumbersome but if you look at it on an item by item basis, it is not necessarily as cumbersome.

Chairman Herbert stated I am not going to vote for it. Basically I feel...I always think of Gulliver's Travels and the guy is lying down and they keep throwing strings over him until he can't move. I think the intent of this particular regulation was to not allow...or put the threshold high enough so the Committee would not be...because there is always somebody who would like to run the show, to keep them at bay at least a little bit and every time we add another reporting mechanism it adds another opportunity for those who wish to have the opportunity to. We have spent a lot of time already on this and I don't think we have laid a brick. I meant that literally. We haven't built anything and I can't see that we have actually done much but I am going to vote against it because I think the original rule works fine and I don't see any reason to now go to the plus side and have to start accounting for things in that regard to. I think if there is a great savings we will hear about it but I am concerned about putting it in concrete and allowing somebody to force the issue if it is a gray area.

Alderman Roy stated I fully and respectfully disagree with you because as we get deeper into this project we are going to be looking at the cost savings, which I believe the School Board is already doing in an effort to, as we save money, expedite other projects down the road. So I as a Committee member would like to know all of the pluses and all of the minuses to the end detail. In looking at our budget we have eight printed change orders that don't have much reporting attached to them and I am sure if Tim spent two minutes in his office could copy

all of those and forward them to us so if we are talking about one or two or ten sheets per month coming to this Committee that may over the next two years amount to \$200,000 or \$300,000 in savings, I, for one, would like to see that so we could turn around and take that and expedite other projects for the school children.

Chairman Herbert responded the Committee can vote the way it wants to. I like to get the work done with a minimal amount of interference by the politicians. If the Committee wants to do it, they can do it.

Mr. Clougherty stated perhaps if I automatically included any back up with the change orders on a monthly basis. Would that accomplish what you want without changing the policy?

Alderman Thibault stated basically I just want the information so I know why it was changed so if someone asks me a question I have an answer.

Mr. Clougherty responded you just need to understand that the back up you get isn't going to tell you why things were changed. It is going to tell you what was changed and it is going to give you a comprehensive cost breakdown for it. We could spend a significant amount of time discussing why the change orders are done and I have no problem with that whatsoever but some of it is highly technical. It is not a problem. You might have a problem comprehending it.

School Committee Member Beaudry stated the change orders, at least in my opinion, are not cumulative. If it is one single change order like the floors were considered one change order and it exceeds or we save \$25,000 I think we should be notified and take that as a vote. To say that we were notified...it was my letter that promulgated this discussion when I went and looked at the school and found them encapsulating the floors. That was never brought to any of our attention until my letter went out and then it was brought to the forefront and that is when the numbers starting flying on what we were saving instead of spending but that was never...it was my impression that nobody on this Committee was aware of that change at all until my letter came out. That is one reason why personally I would like to have updates and anything over or savings of \$25,000 we should be voting on because if I want to change a wall and that is part of the plan and they feel they can refurbish that wall I think we should have a say whether we want the wall changed or refurbished. That is in our jurisdiction. I also agree with Alderman Roy and his comments as far as keeping track of what contingency money we have because as we saw last night in our meeting there are several areas of importance coming down that we could utilize that money for.

Chairman Herbert responded actually I knew about it. It was brought to my attention prior to the meeting. It was explained to me that it was under \$25,000 so

I said there was no need to report it. It sounded like a good solution to a problem and I didn't see the need for it and again it was under \$25,000. I would just like to point out that the decision, as far as we know, has turned out to be a good one. It has saved us money. We have now discussed this with the City attorney and probably spent an hour and as far as I know nothing has changed in terms of savings or anything else. I only point that out because that is, in fact, what has happened. Now if we get all of this reporting that is fine. I would just ask for the Committee member's forbearance that this is not the...they are not the Clerk of the Works on this thing. If you have questions that is fine. I have been through this before and it can become a tremendous burden both on the Committee and on the professional staff if it is allowed to get that way. I am certain that this is a good Committee and we will do fine but I am still going to vote against actually changing the policy.

Alderman Thibault asked what is the motion on the floor.

Chairman Herbert answered the motion is on the floor and the Committee has to vote.

Clerk Fysh stated Alderman DeVries moved that Item 4 on the School Construction Change Order Policy be amended to read, "all change orders that are not time sensitive and whose value exceeds \$25,000 in cost or savings will be brought before the Joint School Buildings Committee for approval" and the motion was seconded by School Committee Member Beaudry.

Chairman Herbert called for a vote. The motion carried with Chairman Herbert being duly recorded in opposition.

Chairman Herbert stated so the policy is changed and staff is to bring to us...specifically we vote on anything that results in a \$25,000 +/- change.

Alderman DeVries stated before we lose the Solicitor, I have one additional question for him if I may. I would like clarification if available tonight or maybe you could report back, the use of our contingency funds related to this project would that be considered a change of scope so it would be following the mechanism of going to School Building & Sites and then the School Board and then coming back here for a final vote?

Solicitor Clark responded if I understand the question...I read the paper this morning as well and saw the figures being contemplated and I also received a call from Alderman Lopez who basically asked the same question. I told him that I am going to have to speak to the Finance Department to see exactly what the wording is on the Resolution but assuming that the money is available to be used further, if

you are going to change the scope of the project by adding new buildings and new renovations to the contract, it would go to the School Board first and then the Building & Sites Committee. If they approve it, then it comes back to this Committee for jurisdiction. I will report back to you on that.

Alderman DeVries asked so will you clarify that and put it in writing for us and could you get that out to us before the next meeting.

Solicitor Clark answered yes.

Alderman Roy stated continuing along those lines, Alderman DeVries' question spoke strictly of contingency. How about in the case of savings in the contract?

Solicitor Clark responded my analysis will deal with any monies left over, whether it is contingency or savings.

Chairman Herbert asked could you repeat that. I didn't catch that answer.

Solicitor Clark stated the analysis that I will be performing will involve any monies left over – the bottom line, not just contingency funds.

Chairman Herbert stated I asked actually...School Committee Member Beaudry had a bunch of questions that were...some of them minor and some not so minor from his tours of the various buildings, Central in particular and I told him to get a list together and give it to the staff to see if he could get responses rather than tying up the Committee. That was my thought but unfortunately...I am not going to say unfortunately but what Mr. Beaudry decided to do and I will agree with him, he has actually taken a videotape of some of the areas he has concerns about. With that and before we get the update, I would like to watch it so the staff can see what his concerns are and maybe address it if they can do that off the top of their head so we can get that done tonight. Other things that they need to research, they can. With that said, we will run the videotape.

Chairman Herbert stated now we will go on to the update. Obviously a lot of those pictures you saw the project is not complete yet so things like doors on hinges and tiles missing and those kinds of things are simply signs of, I believe, an incomplete project which everybody understands. There is the issue of the cracking on the cement. I am not an expert in that area so I would like to have that addressed but that is Mr. Beaudry's list. That is the way I got it. You can sort of address it briefly and if there are any areas that need...

Mr. Clougherty interjected I would definitely like to get a copy of the videotape. There are some areas that do cause concern for me as well as Ken. The majority

of the issues as you mentioned, Mr. Chairman, are related to the fact that the school is under construction. The completion date is almost a year out still. We are doing everything we can. We are working nights and I will let Ken attest to that fact to get the school complete. Safety issues are nothing that we want to take lightly. We want to address them immediately but if we are missing a floor tile in front of a closet we are not going to work somewhere else in order to put that floor tile in. The doors are getting milled as we can in order to accomplish the entire scope but the majority of the items are either due to the fact that the building is under construction or they are punchlist items. Concrete falling in the stairways is something we have talked about that will be on our punchlist. We haven't done any punchlists for that building yet or any of the buildings within that complex. That comprehensive assessment is what gets done at the end of the day. We bring that list to Gilbane and we put it together mutually and establish a priority and a value. We withhold monies from Gilbane until those items are completed. Rest assured all of those items will be addressed. I will let Ken speak to it. I am sure he has something to say. He usually does.

Ken Cornwell, Project Manager with Gilbane, stated I would like to address a couple of things. The doors that we were shown were temporary doors put up at the request of the Fire Department. They are not, by any means, complete. They didn't have the doors in them. It was simply for us to isolate construction from the school at night, not during the day. Those doors were in the temporary connector we built between the two buildings that we promised when school opened. By no means at all is that area complete. The concrete cracking in the plaza – concrete cracks. Concrete is naturally moving all the time. There are some areas I am not pleased with. We have a problem where you go into the Practical Arts Building and you cross over from the building foundation onto a slab on grade. We have a settlement issue. The slab has settled. Those are issues that I think as Tim said will get taken care of. It is not something we are walking away from. I will remind you that school has only been open for five weeks so everything we did to get school open we completed. There are some things we need to go back and clean up. The area he talked about in the Practical Arts building regarding the means of egress being blocked, we did a complete analysis of all of those buildings with the Fire Code officials and our own building inspectors. That door that was pointed out as taped off is not a means of egress for the Practical Arts building. It actually becomes a future elevator lobby. It is blocked off now because we are under construction of the elevator. The handicapped ramp at the time that picture was taken was caution taped off. There were no 504 students or handicapped kids in the Practical Arts building. I happen to know because it was discussed with the principal that morning. We are putting up permanent rails around the plaza. That is being taken care of. Storage on the floors at the fourth floor Classical Building is, in fact, the floor for the rooms that Mr. Beaudry pointed out. There are three rooms up there, not two as shown on our drawings.

Three rooms we built. The last three rooms were built within two days of school opening. We have just not been able to get back to the rooms due to scheduling to put the floor down. We were asked to put the floor tile there and we have done so. The doors to the toilet rooms in the Classical Building had a metal frame around them. There were lockable doors on all bathrooms. Part of this program took those doors out for security reasons. We are trying to come up with a detail now that works for the school and for the principal to close those openings up. Those openings don't fit any standard opening we had. We couldn't go any further. To get school open we made them safe. The biggest item I saw on the list was the Classical stair. The two stairs that are the green stairs like we call them in the Classical Building the two main stairways that go the full height of that building. Halfway through the summer we discovered a problem with those stairs and those stairs had to be completely removed...not removed but it had a stair fill in it, a little asphalt based product that had to be removed and when we removed that product we found a failure in the stairs. We had stairs that were cracked. That was not in the scope. We had to get a structural engineer to do an analysis of the stairs. We repaired the stairs. We were not able to put the rubber tread back. We put the concrete fill back like we did in all of the schools and we opened the school. Those floors will be built as we go through the next six months. I think what Tim was getting at and what I will comment on as well is there are some issues that need to be dealt with. The concrete on the stairs going up to the east side of the Classical Building need some attention. It needs some touch-up but by no means are we done with that project. The opening in the plaza, it has an air intake for the garage that is part of our open concept for the garage. We didn't have enough time to put that product in place over the summer. Our charge was to open the schools safely for the kids and we have done that. I would welcome a copy of the tape and we will be glad to take a look at all of those issues.

School Committee Member Beaudry stated my concern with the classrooms and the floors is you hire somebody to put a floor in, I would assume that putting the floor in would include making sure that the doors open properly when the floor is complete and that the closets open. To say that you are still under construction, those floors, the rooms are complete other than they didn't cut the doors so they could open and where they didn't cut them they either removed the floor tiles or left the doors off the hinges. I only took a video of one room that had the door off the hinges but several other rooms have doors off the hinges and even doors between classrooms, which is another fire safety so that people can egress from one class to another were off the hinges. Teachers told me today that they made them put the doors on even though they don't open all that greatly because they couldn't hear because the two classes were talking. This, again, was in the Classical Building. Where are the floor people? Are the floor people gone because to me they were the ones that should have been in charge of repairing the doors, not somebody else. That should be part of replacing the floor. I don't go in

and put a new floor in and leave the door off the hinge and say thank you I am done now get a carpenter to cut the door. That should be part of the project, at least in my eyes. I am looking at safety issues as far as tripping and falling and when you look at every single one of our stairwells it was wet today and that concrete gets fairly slippery and in one of the pictures if you saw there is probably a 6" diameter hole in the plywood right at the foot of the stairs. Every single one of the stairwells have no tiles where somebody can trip on the void and fall down the stairs. That is my biggest concern – liability. Is there something that they can put in temporarily to just make the void gone? I don't know what the answer is but it seems to me with 2,200 kids walking in and out of that building that we have been very fortunate right now that nobody has been injured. That is the only reason I did this. The things I pointed out I feel are safety hazards within that building and I am hoping that like the doors with the safety door openers the way they position them where the door doesn't open up fully that impedes the means of egress. I don't know when the Fire Department decides to do their final checking if they will pick that up but...

Mr. Clougherty interjected can I address some of that. You talked about the floors. I will let Ken talk about how we execute a floor project but a flooring company doesn't do doors. Flooring guys put floors down. Door guys deal with doors. They are both specialties. Perhaps there is an issue with the coordination of those trades. I will let Ken speak to that. Means of egress...Ken explained those are temporary doors. We are going to deal with that. You saw a tombstone in the door. That is a magnetic hold open that operates with the fire alarm system. As I am sure you are aware the only way to get that door to fully open is to move that wall. That is the only way to get that door open that we saw on there. That is not what we are looking to do. That is a temporary situation and I can assure you that these drawings that we are building to were approved not only by our local Fire Department but by the State Fire Marshall's Office. They have no issue with the means of egress.

School Committee Member Beaudry replied but as far as the door closing I can respectfully disagree there.

Chairman Herbert stated I don't want to get into an argument. This is a lot less than a \$25,000 change order and you can see how easy it is to spend a lot of time if a member wishes to do so. I would respectfully ask that if you have specific issues like that you can talk with Mr. Clougherty. We have let you put the video on and I think everybody here is satisfied. You have made your point and the professional staff will help you out in terms of your understanding of the situation and if there is something you find that is of interest you will get their attention very fully.

Alderman Roy stated I would like to thank Committee Member Beaudry for taking the time and bringing some of this to our attention. I do understand that this Committee...it is within our purview to overview all construction with the schools. Having a construction background I take some note of what we have done in some areas where you saw some areas that had been leveled but tiles had been left out in order for the construction progress to be maintained in a timely manner. I do realize that we are going to be in Central for another year but that does not diminish any of our concerns on the overall safety for the staff and the children and naturally the employees who are working there both for construction and for the City. If anything like a hole in stairway plywood where it can get knocked over, we get calls on those things so I would urge you to make Central and to make all of our schools as safe as possible. Deal with the stairway issues. If they are unsafe, let's expedite those programs instead of looking at future programs to expedite. I do have a lot of concerns...you know the expansion joints in the courtyard showing cracks crossing in opposite directions or running along the cracks, those are the areas where you put in expansion joints to absorb those cracks. I do agree with Ken that concrete does move and it does crack but we have expansion joints to contain some of those problems. Some of what I saw in the video is quite concerning because they are either running along or parallel or crossing the expansion joints where they shouldn't so I would like our consultant and Tim Clougherty to look at that. I cannot reiterate from at least my standpoint and if not everyone's on this Committee that safety is our utmost concern.

Chairman Herbert stated I understand that too. It is important that it be highlighted if there is a concern but if I am hearing correctly how do you keep on that? Just so I know the process you said that the fire officials and the State Fire Marshall and people such as that have seen these situations and have said they are safe from their perspective but in the event that say for example a hole comes up how does that actually work? Is there somebody there who would identify a situation and say even though it is okay from a building construction schedule standpoint and it is going to be fine in terms of satisfying the traffic and whatnot but if there is something that comes up how does that work? Does somebody just call you up and say there is something in the hallway? Is there a process whereby if something comes up that might be a safety concern that you guys can address it or hear about it rapidly?

Mr. Clougherty responded we hope that they do call us when areas like that come up. I do thank Committee Member Beaudry for bringing some of those items up. As we said some of them are construction related but as I said earlier some of them do concern me. Alderman Roy brought up plywood by the stairs. If we don't hear about it...we aren't inspecting every stair every single day so we welcome the input that tells us that there are safety issues out there and I am sure Ken will be speaking with the Superintendent tomorrow on some of these issues.

Mr. Cornwell replied I don't think I am going to wait until tomorrow Tim. That plywood that you saw, that hole, couldn't have existed when we opened school. It must have just happened or we would never have gotten through a safety inspection. That hole will be taken care of before we go home tonight. If it is our hole or regardless safety is number one for all of us so any issues there will be taken care of tonight.

Chairman Herbert stated my understanding that the tape is three weeks...

School Committee Member Beaudry interjected when myself and School Committee Member Labanaris went in three weeks ago that hole was there. I went in today and took the videotape before this meeting so this is about five hours old.

Mr. Clougherty asked was anybody notified three weeks ago when you went through.

School Committee Member Beaudry stated I notified the people on my end about the conditions. I went to Bill Sanders who is our liaison for the building.

Mr. Cornwell stated we have three superintendents at Central High School. All three of those superintendents daily get notes from the principal – either the one at Central High School, the one in the Practical Arts building or from Mr. Clemmons or Mr. Rist directly. If there are any issues that need to be taken care of rest assured that the ones you pointed out will be taken care of immediately. As I promised, I will make sure...if there is a hole in the plywood and by the way that is an existing subfloor issue but we will be glad to take a look at it and repair.

Chairman Herbert addressed Item 3 of the agenda:

Update on the School Facilities Improvement Project.

Allen Jefferson, DMJM Project Manager, stated I think thanks to the video we just saw we can go through Central fairly quickly. New connector construction is ongoing at Central. Exterior wall installation is complete. Interior sheet rock installation at the new addition is nearly complete. Interior painting is ongoing at the Practical Arts Auditorium. Stairwell rubber flooring installation is also ongoing. At West High School the Media Center renovations are nearly complete. The ceiling grid installation is ongoing. Interior painting is ongoing. In the former administration area renovation for conversion into classrooms is also ongoing. Again, similar to Central the rubber flooring installation on the stairwell is ongoing. At Memorial High School the gymnasium masonry and classroom

masonry is...actually the gymnasium is nearly complete and the classroom exterior wall construction...the metal studs are pretty much complete and I think installation of the masonry is ongoing. At Smyth, Gossler and Jewett which are similar schools with similar scopes, they are nearing completion with exterior duct work and installation of roofs is nearly complete. Gym lighting installation is complete and rooftop unit final mechanical balancing is nearing completion. At Webster the door installation is nearly complete and the roofing installation is nearly complete. Interior painting is ongoing and the floor installation is nearing completion. Hillside and Southside Middle Schools have similar scopes. The cafeterias are actually in use. Roof installation is nearing completion. VCT flooring at this point in time in the existing building is complete. Fire protection system installation and MEP work is ongoing. The new administration areas are actually functioning and at West, Hillside and Southside the new administration areas are fully equipped with new furniture and are in full use. Parkside has mechanical work ongoing and gymnasium flooring installation ongoing. VCT flooring installation is nearing completion. Hallsville – the electrical outlet installation has been completed on the first and second floors. This is all night work for Hallsville, Weston, Highland Goffs Falls and Parker Varney comprised primarily of MEP work and flooring. With that I will turn it over to Ken Cornwell.

Alderman Porter asked what is MEP.

Mr. Jefferson answered mechanical, electrical and plumbing.

Mr. Cornwell stated for some reason we always leave the F out for fire protection. We never could fit it in there. Well, since we were here last month we continue to make progress. We are back on the nightshift. We presently have 10 schools under construction. Our projection over the next few months...actually I am just going to take you right through until March. By the middle of March of next year we will have completed 10 schools. We are looking at probably seven this month and the rest will come in the first of the year. We are talking about completion of Southside, Hillside, Smyth, Parkside, Hallsville, Webster, Weston and Gossler Park. We are making great strides. We are back on night shift again. People have finally caught back up with the work hours. Work is ongoing at Central. We expect Central High School to be enclosed over the next couple of weeks 100% from the rain. We are still targeting an early fall turnover on the first two floors for Central. We expect to be adding another corridor opening for the kids hopefully by the end of the week. They were actually trying to go up to the third floor and now we reversed our goals and going after the first floor to get kids back and forth. Right now we have them going outside through a little compression problem on the second floor connector and it is not big enough as Mr. Beaudry pointed out we had a problem with some people trying to get through there. West

High School is all but done. We are in there right now doing miscellaneous sprinkler clean up. For the most part the electricians are done and the systems are on-line and we are into minor punchlist items now to clean that job up. We are not done with West by any means. Next summer we have to come back and replace the roofs at West High School. There just wasn't enough time this year to do it and we do have an agreement that we will work on the roofs when the kids are not in the building for safety reasons. Memorial is ongoing. I expect Memorial...actually if you were to look at Memorial from the courtyard side you would find that the brick and the windows are in. If you look at it from the field side you would see all of the skin up and I am happy to report that all of the plumbing and electrical are in the walls. We are looking for a January turnover on that school as well for the new addition. Southside as we reported construction is ongoing. We are into a night shift again. We are running up brick on the new building and expect that that building will be done the first of the year as well. Hillside again we are in the same vain. Hillside is under construction. We have a small day shift there doing the new building. Primarily that is a night operation. Again, it is sprinkler and mechanical upgrades. Jewett Street. We talked about that being completed. We are cleaning up some issues now and expect to have that done. Smyth Road is in the same boat. Parkside Middle School is under construction. Again, it is a night shift operation for mechanical, electrical, plumbing and fire protection. Actually fire protection is existing but we are working our way through that school at nighttime. We have no issues there. Hallsville is coming along quite well. We expect to have that one done before the end of the year. That has been a big challenge for everybody, especially Kevin. Kevin is taking care of the elementary schools. Weston is under construction. It has come a long way. If you haven't been to Weston, it has been a challenge but it has worked out well. We should be done with Weston soon. We are actually looking for Weston to be done probably before Thanksgiving. I am looking down my list and that is about all we have in schools. I did want to report...maybe you are not aware of this and Tim and I were going to talk about it tonight the labor action, the Local 17 actually has a labor action against the NH contractors. They have been on strike for seven days. We expect the issue to be resolved and for them to be back to work. If that does not happen we do have a contingency plan in effect but right now we have no pending actions that we need to take.

Mr. Clougherty stated regarding the update before we get into questions I just wanted to bring to your attention the fact that a change order was issued this month for unsuitable soil removal at Hillside Middle School. Basically we knew that there were some unsuitable soils based on our geotech reports when we did the excavation for those foundations and footings. The unsuitables were more substantial than we had reported in our geotech report, therefore, we had to pay Gilbane to remove them. It was about 1,000 yards of product and the change order was about \$21,000. I just wanted to bring that to your attention.

Chairman Herbert asked what does unsuitable mean. What was the contaminant?

Mr. Clougherty answered it was non-load bearing material.

Alderman DeVries asked Southside gymnasium, which I didn't hear any detail specific to, do we have a timeline for completion of the gym. Do we know if there are any additional costs that are going to need to come through for that completion?

Mr. Cornwell answered upon removal of Southside's wooden floor we have a condition that we are trying to deal with now on how to repair the floor. We removed the wood floor and we got a surprise. The wood floor was covered with felt paper set in asphalt. Upon removing that product we found a substraight that is not acceptable. We are trying to come up with a way to fix that floor right now. Upon fixing that floor, the fix is roughly a three-day operation. Once we come up with the resolution, which I think we are going to have by the end of the week we are looking at at least three and a half weeks to put that floor in.

Alderman DeVries asked so for three and a half to four weeks it won't be in service and we will know by the end of the week if that triggers a change order that needs to come back to this Committee I would assume being over \$25,000 in either cost or savings. Is that what I am hearing? You will know by the end of the week what the solution would be?

Mr. Cornwell answered yes.

Alderman DeVries stated while we are speaking of Southside, the flooring being nearly complete in that building I noticed when I did a walk through that there were a couple of pre-existing expansion joints in that building that the filler strips or coverplates had been lost in the process or have not been put back in place and there are one or two classrooms that have rather wide gaps that have been left that probably need rather immediate attention because there is a trip factor involved. Could somebody make a note of that? You could probably check with the principal and he can point out those classrooms.

Alderman Roy stated as we look through our update there are a number of gymnasiums that are ongoing. Do we have any other problems with gymnasium installation that we should be aware of? Central perhaps or Parkside?

Mr. Cornwell responded Central is underway. Central should be done I would think in three weeks at the most. Central has had its problems with the floor as well but we should be on target for this month. Parkside is underway as we speak.

Parkside as we had said should be done about the middle of the month. The only other floor we are doing is Southside, which we just discussed.

Alderman Roy stated so without reviewing every school we are looking at by the time we meet in October that all gymnasiums will be up and running.

Mr. Cornwell responded yes unless there is another condition that causes a problem.

Mr. Clougherty stated just to further Ken's response to Alderman DeVries' question relative to costs, there are costs associated with both Southside and Central. Where those costs are borne is an issue of dispute right now. They are substantial. We are looking to absorb them within the program or within the previously approved asbestos contingency dollars because they were asbestos containing, at least in Central's case so I just wanted to make the Committee aware of that.

Alderman Roy stated Tim that brings me to a question I was going to save for later but in our budget under contingency that we have already approved we have a number of not to exceed limits going back to March and then I believe June or May was the last time we dug into contingency. Have we received the final bills for the stairways and the haz-mat removal or did we get the numbers we expected?

Mr. Clougherty responded I am not familiar with the stairways. We are still trying to get some information from Gilbane on Memorial High School specifically and Central High School and one of the big items we are wrestling with is the gymnasium. So the answer to your question is no we don't have final costs on all of those. We are probably 90% there as far as the schools go but we are still wrestling with some of those costs.

Alderman Roy stated I have a comment. As our Solicitor said earlier in reading the paper today the word contingency has come up an awful lot lately. We still have, I believe, one to two years left and this timeline is rather small to read as it is printed for us but we are looking at I believe August 2006 as our completion date so I would urge my colleagues on the School Board and on the Aldermanic side that we have the contingency for the reason of having it through the entire project. Though we may want to expedite things, we should be very careful that we don't short sell the project by dipping into contingency too early. I would like, Tim, as you offered earlier follow-up or copies of the change orders that we have had so far – material back-up and then an update as you get closer to finalizing what the final numbers on contingency have been short of what we have already approved.

Mr. Clougherty responded not a problem and I thank you for bringing that up relative to contingency. That is our concern as well. There is still a significant amount of construction yet to accomplish. I think the figure is somewhere around \$40 million.

Chairman Herbert stated that thought has been the same on our side of the fence. We talked last night at the Building & Sites Committee meeting. We did actually cast a vote but we prioritized a few of the items on a longer list but that doesn't translate even if it passes the School Board entirely, that doesn't translate into reality necessarily because of the simple fact that the contingency is there for contingency and you don't want to end up spending...you have to be very careful and we are well aware of that and I agree. I do have one item...are there any other questions people have?

School Committee Member Beaudry stated the fill that you moved at Memorial High School you said there were no contaminants in it and it was just non-buildable soil.

Mr. Clougherty responded it was Hillside and there were unsuitable soils. It is basically soil that you can't put a foundation on.

School Committee Member Beaudry asked where was that soil brought to. I know you were bringing a lot of loam and stuff behind Southside because eventually that field is going to be raised. Was that soil brought there to maybe save us some money?

Mr. Clougherty responded I don't believe that it was.

Mr. Cornwell replied I don't think so. The excavator hauled it out and I don't know where it went.

Mr. Clougherty stated you are not talking about anything hazardous. You are talking about loam and pieces of stumps and peat and things like that. Those are all organic materials that are considered non-load bearing, non-structural. You don't want to put a foundation on it.

School Committee Member Beaudry responded my question is could we have utilized that soil for the expansion of the Memorial project, the second phase of that where we have to actually excavate that whole hill area behind Southside to put a field in there. They did drop some loam off from Central's project, I believe, and also maybe some of Memorial's they have dropped off behind Southside. I was just wondering if that would have been a cost savings to us to have that sand dropped there for fill when we do that project.

Mr. Clougherty replied we did take advantage of the fill at Central High School. It wasn't loam, it was structural fill and we reused it to raise the north field at Memorial three to four feet. We made all of our grades work. It worked out great. We probably saved anywhere between \$40,000 and \$50,000 by doing that. An easy \$40,000 to \$50,000 and probably closer to \$100,000. The loam that we stripped from Memorial was also put down in the field between Southside and Memorial. The loam we stripped off of the field was put between Southside and Memorial. I believe it has been screened and we got quite a bit of it. I think there is more than we really want to use on that north field at this point.

Mr. Cornwell stated just to talk about Memorial fields because that is another one of my little pet projects, there is about 2,200 yards of loam being left behind at Memorial and Parks & Recreation because that is a future field and it is in the Master Plan as you already know it was decided not to take the material off of the site. We are going to put 6" on the field and leave the material in the bank on the hill at Memorial and seed it so it will look like a playing field and when Parks & Recreation goes in later if the material can't be used, it can be hauled away. As far as saving money when you want to do fill work, Parks & Recreation is very aware as I am sure most of the members of this Board are...when we did the civic center we did the same thing. We ran it over to the cemetery. People are always looking for someplace to put good, clean fill. Ron Ludwig and Ron Johnson have a good vehicle to get that done. Even on the School Board side. People want to get rid of good, clean material and if it is for your benefit and you put the word out that you are looking for it, it is always available to put there because there are people constantly digging holes and you have to put the material someplace. Just keep that in mind.

Chairman Herbert asked so you don't know where it went.

Mr. Clougherty answered we don't know where it went and it wouldn't have provided a significant benefit to Memorial. It is not worth further discussion.

School Committee Member Beaudry another question I have is a follow-up on the question about Southside's gymnasium. I had a couple of calls from teachers. Apparently they were concerned about...not the cleanliness but I guess they are asthmatic or they have some health conditions and I don't know if they were trying to say that that plays a part in it but when will that be buttoned up and the second question I have in line with that is also at Central being on the athletic committee will these gyms be ready for basketball season.

Mr. Cornwell responded I think I can safely say yes. Central is closed. The floor is down. We just moved the bleachers on to the floors. Remember the old

wooden bleachers were still there? The bleachers were moved forward. We have some other work to do in there to get ready to put the wood floor down. Southside as we just said a few minutes ago we have a discussion ongoing about how to treat that floor. The place is clean. I actually talked to the principal today. He has not concerns at all. The gym is actually secure. There is no air moving there so there is no dust coming out of the gymnasium at all.

School Committee Member Beaudry asked will hardwood be put back in there.

Mr. Cornwell responded they are both maple, certified floors being installed by American Sports Flooring.

Alderman Roy stated Tim you mentioned earlier about the fill removed from Hillside. How many yards was that?

Mr. Clougherty responded about 1,000 yards.

Alderman Roy asked and the cost.

Mr. Clougherty answered \$20,860.20.

Mr. Cornwell stated if I may that includes removal and replacement, not just hauling it out.

Chairman Herbert stated I have a question. We had the scaffolding fall down last week and I have had a couple of calls, nothing dramatic, but I wanted to know what you have for information in regards to that incident and if there are any recommendations you want to make or you are doing...I don't know what happened but if there is anything we need to do or be concerned about in terms of the contract as a whole?

Mr. Cornwell responded as the paper alluded to and I think Tim is probably the one with the most information but we didn't have a collapse. We actually had a piece of equipment that pulled that scaffold over. We didn't have an unsafe scaffold. What we had was an operator...after our investigation and we did do a full investigation as we do with any, as we call them, near miss and it appears that the operator using that piece of equipment was putting a bucket of mortar onto the scaffold using a forklift that he hadn't been trained on. The forklift has a tight turning radius and what we surmised was when he went to back away from the scaffold he turned the wheel too far and when he backed out his support dug on the scaffold and moved it toward him. The scaffold never fell down. Actually we have photos of it on file. What you see is the scaffold leaning back precariously. The minute that happened, it couldn't have come down because it is actually

wedged between the steel and the forklift. It was immediately put back. We did an investigation. We actually went out and had the principals of the company come in. We came up with some lessons learned and made sure that the operators were, in fact, certified to run those kind of devices. We also require now that any time they are on a staging and they are putting mortar on the deck and the guy drops it that he have a spotter before he backs out so that he is clear. We also require certification. Scaffold erectors have to be certified and licensed by OSHA. They are certified and any system over so many square feet or so high has to be engineered. This system didn't fall into that category. We have taken some steps to assure that that would never happen again at this job or any job. It is always a concern of ours for safety. Unfortunately for us it happened at 7:35 AM.

School Committee Member Beaudry asked the people that are on the scaffolding, what is the requirement for wearing a safety harness.

Mr. Cornwell answered they are not required to have a safety harness on when you are inside guardrails. If you are inside a protector's scaffold, which a mason's scaffold is, as long as both ends are protected you are not required to be tied off. For the Manchester school project for Gilbane if you are 6' above the floor unprotected you have to have a safety harness on to be tied off the structure. You have to have a safety harness on if you are 6' above the ground and not in a protected structure.

Alderman Roy stated I know the answer to this but I want it clear on the record so I will ask the question. Were any children at risk or any staff, ours or yours, at any time?

Mr. Cornwell responded I don't know if I can answer that question properly. The fence that protects the students from our operations was set out. The scaffolding was approximately 28' high and 30' away from the building. If the scaffold had fallen over and hit the fence it could have, in fact, damaged the fence. I can't answer the question about the kids. At the time, I wasn't there. I was there the next morning and I observed the photos but the fence is there to protect it and typically we don't have kids near the fence. They are typically out in the plaza. It was an unfortunate morning.

Clerk Fysh stated the Clerk's Office would like to request that the October meeting not take place. We are in the middle of preparing for the Presidential election and it is a huge job for our department and we wanted to bring that to the Committee for their consideration.

Alderman Roy asked is it possible since we have made a number of requests for information and that most of the people it is requested of are outside of the Clerk's Office that we get the information but do not actually meet.

Clerk Fysh stated I believe Mr. Clougherty stated that he would supply the information and if he wanted to send it to our department we can copy it and make sure it gets forwarded to the Committee members.

Mr. Clougherty stated we will put together the same information package that we would for any traditional monthly meeting. It will include the change orders executed to date and any other change orders that are pending.

Chairman Herbert asked is there anything keeping us from having our Clerk do one of the meetings if we can hold it over on Ash Street. Would that create an issue at all?

Clerk Fysh answered I would have to run that by the City Clerk and I can get back in touch with you.

Chairman Herbert stated well that is an option in case we need a meeting. We could meet over at Ash Street. They have cameras there too. I don't know if there is a legal issue. Historically they have always been in the City buildings...actually I think we have held the meetings elsewhere but someone from the City Clerk's Office was always there.

Alderman Porter stated I want to commend you for saving trees by typing so small you couldn't get it any smaller. Could it be a little bit bigger maybe?

Mr. Clougherty responded sure.

There being no further business, on motion of Alderman Porter, duly seconded by Alderman Thibault it was voted to adjourn.

A True Record. Attest.

Clerk of Committee